

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RENATO GUIMARAES, JR.,

Case No. 05-CV-2210(DC)

Plaintiff,

-against-

**NOTICE OF DEFENDANT'S  
MOTION TO AMEND ANSWER**

SPEISER, KRAUSE, NOLAN & GRANITO,  
a professional corporation, f/k/a/ SPEISER,  
KRAUSE, MADOLE & LEAR, a professional  
corporation,

Defendant.

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Defendant, Speiser, Krause, Nolan & Granito, ("Speiser Krause") by its attorneys,  
Apuzzo & Chase, pursuant to Federal Rules of Civil Procedure 8(c) and 15(a) moves for entry of  
an Order granting it permission to amend its answer to include and additional affirmative  
defense. The instant motion is accompanied by Speiser Krause's proposed Second Amended  
Answer and Memorandum of Law, and Affidavit of William J. Apuzzo.

The undersigned counsel hereby certifies that he has conferred with counsel for Plaintiff  
in order to obtain their consent to the amendment of its answer. Plaintiff's counsel have not so  
consented, necessitating the instant motion.

WHEREFORE, Speiser Krause respectfully requests an Order granting it leave to Amend  
its Answer herein, and granting such other, further or different relief as this Court may deem just,  
proper, or equitable.

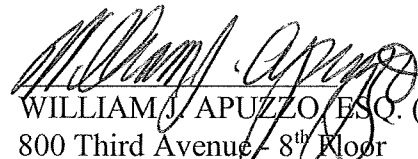
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent via overnight courier to the following, and filed via the Court's electronic filing system this 31<sup>st</sup> day of May, 2007:

Berman, Kean & Riguera, PA  
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Apuzzo & Chase

By:

  
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